

**Council Minutes – February 16, 2010**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 16, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Hiller asked for a moment of silent meditation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

A PRESENTATION on the Planning Department’s upcoming projects was given by David Thurbon, Planning Department Director.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Russ King to the Topeka Sustainability Advisory Board for a term that would end February 16, 2012 was presented.

MINUTES of the regular meeting of February 9, 2010 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors was presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Walgreens #02846	2915 SW Gage Boulevard
Walgreens #02888	2110 NW Topeka Boulevard
Walgreens #03069	1001 SW Topeka Boulevard
Walgreens #03772	2901 SE California Avenue
Walgreens #04557	2121 SW Fairlawn Road
Walgreens #04782	3693 SW Topeka Boulevard
Walgreens #04981	3630 SW Wanamaker Road
Walgreens #07778	1001 SW Gage Boulevard

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

RESOLUTION NO. 8236 introduced by City Manager Norton N. Bonaparte, Jr., describing the areas to be considered priorities for 2010-2011 SORT Target Areas for federal and city funding as allocated within the 2010-2011 City budget was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

RESOLUTION NO. 8237 introduced by Councilmember Karen Hiller concerning the City's recommitment to the mission of the Americans with Disabilities Act was presented.

Councilmember Hiller gave the staff report and stated that the Americans with Disabilities Act celebrated its 20<sup>th</sup> Anniversary this year.

Mike McGee, ADA Coordinator gave a brief overview of the City's ADA projects and budget. He reported that all ADA accessible restroom projects for City facilities have been completed; and they are in the process of completing the ADA accessible project at the City facility located at 201 N. Topeka Boulevard.

Michael Byington, ADA Advisory Council Vice-Chairman thanked the Council for their continued support and willingness to achieve ADA standards within the community. He stated that the ADA Advisory Council currently has vacant positions. He instructed citizens who are interested in serving on the Advisory Council to contact the office of the City Manager; Mayor or Council; or the City of Topeka ADA Coordinator.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Archer carried unanimously. (9-0-0)

RESOLUTION NO. 8238 introduced by City Manager Norton N. Bonaparte, Jr., designating the official city newspaper was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Wolgast carried. Councilmember Preisner voted “no.” (8-1-0)

ORDINANCE NO. 19383 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of February 1, 2010, through February 7, 2010, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

ORDINANCE NO. 19384 introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 307 S. Kansas Avenue from “I-1” Light Industrial District TO “D-1” Downtown District placed on first reading February 9, 2010 was again presented. (Z10/1)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Mayor Bunten asked if the zoning change would encompass all of S. Kansas Avenue.

David Thurbon, Planning Department Director stated that the downtown district is zoned to allow residential uses; however, the property located at 307 S. Kansas Avenue is on the fringe of downtown and the area is currently zoned for industrial use only. He stated that industrial zoning does not allow for residential uses within the district; therefore, the ordinance allows for an extension of the downtown district zoning.

Mayor Bunten asked if there were any ex parte communications. There were none declared.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

Braxton Copley, Deputy City Attorney stated that the Mayor should have voted on item 5C, a resolution designating the official city newspaper. He requested that the Council reconsider the motion to approve the resolution.

Councilmember Swank moved to reconsider item 5C, a resolution designating the official city newspaper. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

Councilmember Harmon moved to approve the resolution. The motion seconded by Councilmember Archer carried. Councilmember Preisner voted “no.” Mayor Bunten voted “yes.” (9-1-0)

RESOLUTION NO. 8239 introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 48-23a.03(2)(k) of the Code of the City of Topeka, approving a Conditional Use Permit to allow for a parking lot (principal use) on property currently zoned “X-1” Mixed Use District and located 36 feet north of NE Gordon Street and immediately east of the alley located between N. Kansas Avenue and NE Quincy Street in the City of Topeka, Kansas was presented. (CU10/1)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Mayor Bunten asked if there were any ex parte communications. There were none declared.

Councilmember Alcala moved to approve the resolution. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

Norton N. Bonaparte, Jr., City Manager requested to withdraw item 7A, an ordinance concerning accessory uses and requirements for zoning regulations from the Council agenda.

Upon hearing no objections, Mayor Bunten announced that item 7A would be withdrawn from the Council agenda.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka by providing for certain changes in zoning on property located at 2016 SW 37<sup>th</sup> Street from “C-2” Commercial District TO “PUD” Planned Unit Development District (“O&I-1” Office and Institutional District use group with contractors office and limited enclosed equipment and material storage) was presented for first reading. (*PUD10/1*)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning by amending the Master PUD Plan of Brookwood Shopping Center to include an Automotive Service Station Type 1 and relocation of an access drive on property located at 2900 SW Oakley Avenue in the City of Topeka, Kansas was presented for first reading. (*PUD10/3*)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 42-38 establishing a service fee levy for 2010 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301008.00 (HTE 302870), which provides for an aquatic playground at Samuel Jackson Park, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Norton N. Bonaparte, Jr., City Manager encouraged citizens to attend the Surviving Progress Forum at Hillcrest Community Center on February 18, 2010 at 4:00 p.m. to discuss and learn about upcoming projects in the area. He also announced the Mariachi Estrella event at the Brown vs. Board of Education building on February 21, 2010 at 3:00 p.m. and 5:00 p.m.; the Heartland Visioning Community meeting would be held on February 25, 2010 at the Downtown Ramada Inn from 5:00 p.m. to 7:00 p.m.; and the Human Relations Commission Town Hall meeting would be held on February 25, 2010 at the Cyrus K. Holliday building from 6:00 p.m. to 8:00 p.m.

Councilmember Ortiz noted there are no more seats available for the Mariachi Estrella events. She announced that TARC Industries is offering free shred services to residents during the month of February.

Councilmember Swank announced that the ERC Designer Showcase Bare Bones Preview Weekend would be held February 18-21, 2010 at 1621 SW Boswell and 5029 NW Derby Drive in Sterling Chase. She also announced a chili supper fundraiser supporting the ERC Designer Showcase event on February 19, 2010 from 5:30 p.m. to 8:00 p.m. at the University United Methodist Church at 1621 SW College.

Councilmember Preisner stated that the Planning Department is in the process of updating the City's zoning regulations. He encouraged the Council to thoroughly review all zoning regulations and understand the requirements of the Planning Department, allowing the Council to make an informed decision on the zoning regulation changes when presented by staff. He also stated that citizens have requested the City consider creating a transportation commission that would oversee all types of transportation ranging from light rail to skateboarding for the entire Topeka-Shawnee County area. He asked the City Manager to research the possibility of creating a transportation commission.

Councilmember Alcalá moved to adjourn the City Council meeting. The motion seconded by Councilmember Wolgast carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:53 p.m.

---

Brenda Younger  
City Clerk